



Portland Housing Bureau

Commissioner Dan Ryan • Director Shannon Callahan

Rental Services Commission

June 14, 2022

Christian Bryant,
Co-Chair

Marih Alyn-Claire,
Co-Chair

Ian Davie, *Vice Chair*

Laura Golino de
Lovato, *Exec. Comm.*

Allen Hines

Kristina Goodman

Mike Nuss

Vivien Lyon

Regina Amodeo

Matthew Maline

Moriah McSherry
McGrath

Pippa Arend

Portland City Hall
1211 SW 4th Avenue
Portland, OR 97204

Commissioner Dan Ryan
Portland City Hall
1211 SW 4th Avenue
Portland, OR 97204

Commissioner Carmen Rubio
Portland City Hall
1211 SW 4th Avenue
Portland, OR 97204

Commissioner Jo Ann Hardesty
Portland City Hall
1211 SW 4th Avenue
Portland, OR 97204

Commissioner Mingus Mapps
Portland City Hall
1211 SW 4th Avenue
Portland, OR 97204

RE: Rental Services Commission's Recommendation for Tenant
Anti-Harassment Protections

Dear Mayor Wheeler, Commissioner Ryan, Commissioner Rubio,
Commissioner Hardesty, and Commissioner Mapps,

As outlined below, the majority of the members of the Rental Services Commission (RSC) recommend that City Council evaluate the potential adoption of protections against harassment of tenants by landlords. Over the course of the last year, the most frequent subject of public testimony before the RSC was the need for anti-harassment protections. Attached please find a compilation of the public testimony that the RSC heard in 2021 on the topic of tenant harassment. The common themes that the RSC heard from this public testimony was the increase in landlord harassment and bullying during the pandemic, the psychological harm experienced by tenants from harassment, and support for the adoption of some form of protection against these behaviors.

The below recommendations came out of a series of six RSC meeting where the Commission reviewed and discussed current anti-harassment protections, proposed anti-harassment policy concepts, and existing anti-harassment protections in other jurisdictions. As a diverse body comprised of landlord representatives, tenant representatives, community members with lived experiences on both sides, and community advocates we share the common value that no one should be subject to harassment or experience intentional harm in the place they call home.

Over the course of our six meetings, there was robust discussion and debate regarding the need for such protections and, if adopted, what such protections should look like. The tenant advocates on the Commission highlight how the power imbalance within the landlord-tenant relationship is the reason harassment happens and that harassment is often disproportionately experienced by low-income renters and renters of color. The tenant advocates also stress the need for an enforcement mechanism that holds routine bad actors accountable and provides an enforcement mechanism beyond just a private right of action such as investigation and enforcement by the Rental Services Office, which would require additional resources. The landlord advocates on the Commission stress how existing laws already prohibits some of the harassing conduct reported during public testimony and how any potential future protections should not duplicate existing protections in state landlord-tenant law. The landlord advocates also highlighted the importance of any prohibited behaviors being clearly defined and objective to avoid unknowing violations. All parties on the Commission agree on the need for a graduated approach to penalties for any possible violations with the first step being education and/or mediation rather than monetary damages.

At the conclusion of these meetings, the Commission came to a consensus on the recommendation that City Council should explore the potential enactment of an ordinance focused on harassment in the landlord-tenant context. As part of this deliberation, there are at least ten other jurisdictions with current tenant anti-harassment protections. These protections focus on the following general categories: housing quality; construction projects; invasion of privacy; bullying; misinformation; and rules and treatment. The RSC recommends consideration of the following basic common provisions, presented in no particular order, contained in ordinances in other U.S. cities:

1. Requiring due diligence in performing repairs and following industry standards to mitigate noise and exposure to harmful materials.
2. Prohibiting abuse of the right to access, including photography/recording outside the parameters of a standard inspection.
3. Prohibiting inquiring, reporting, or threatening to report immigration status of tenants, occupants, or guests to any person or agency.
4. Prohibiting verbal threats or obscene language that would reasonably provoke or intimidate a tenant.
5. Prohibiting physical violence or threat of physical violence against a tenant.
6. Requiring acceptance and acknowledgement of lawful rent payments and reasonable time limit to make deposits.
7. Prohibiting misrepresentation about a tenant being required to vacate the unit, legality of a termination notice, or basis of a termination notice.
8. Prohibiting any threat or action intended to coerce the tenant to move out of a unit they are legally entitled to inhabit.

On May 17, 2022, the RSC voted to send the above recommendations to Council. Commissioners Golina de Lovato, Hines, Maline, Lyon, Amodeo, Goodman, and McSherry McGarth support the recommendations in full. Commissioners Bryant and

Nuss do not support the recommendations. Commissioner Alyn-Claire abstained from the vote. Commissioners Davie and Arend were not present for the vote.

The RSC is grateful for the opportunity to provide input on the efforts the City should take to improve the experiences of tenants and create a more equitable rental market for all Portlanders. The RSC welcomes the opportunity to provide ongoing input as needed.